

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL BROWN	:	CIVIL ACTION
v.		
DISTRICT ATTORNEY OFFICE	:	NO. 06-cv-5562
MICHAEL BROWN	:	CIVIL ACTION
v.		
DISTRICT ATTORNEY OFFICE	:	NO. 07-cv-0501

MEMORANDUM AND ORDER

Petitioner, a prisoner, filed a petition on January 5, 2006, seeking habeas corpus relief pursuant to 28 U.S.C. §2254, which was properly labeled by the Clerk of this Court as 06-cv-0049, and which was dismissed with prejudice on July 21, 2006.

Petitioner then filed a petition pursuant to Federal Rule of Civil Procedure 60(b) on December 20, 2006, which the Clerk of this Court properly labeled as Document #1 in 06-cv-5562. By means of Document #2 in 06-cv-5562, this court denied petitioner's petition pursuant to Federal Rule of Civil Procedure 60(b) on January 23, 2007.

On February 5, 2007, petitioner filed two documents with this court that the Clerk of Court originally interpreted as an attempt by petitioner to file a new petition pursuant to Rule 60(b); this court is of the view that the Clerk should have treated them as new filings in 06-cv-5562, and not as filings in an entirely new civil action.

Accordingly, this

Day of March, 2007, it is hereby

ORDERED that 06-cv-5562 shall be **REOPENED**, and, it is further

ORDERED that Document #1 in 07-cv-0501 shall be labeled by the Clerk of this Court as also being Document #3 in 06-cv-5562, and, it is further

ORDERED that Document #2 in 07-cv-0501 shall be labeled by the Clerk of this Court as also being Document #4 in 06-cv-5562, and, it is further

ORDERED that the instant Order shall be labeled by the Clerk of this Court as being both Document #3 in 05-cv-0701 and as Document #5 in 06-cv-5562, and, it is further

ORDERED that both parties are formally notified that the first sentence on the second page in Document #2 in 06-cv-5562 (which was intended as a dispositive final Order in that case) contains a typographical error that materially misstates the positions of the respective parties, and that this sentence should read as follows: "In the instant situation, there was a previous 28 U.S.C. §2254 petition filed by petitioner (namely 06-cv-0049), which was dismissed with prejudice.", and, it is further

ORDERED that 05-cv-0701 is **DISMISSED WITHOUT PREJUDICE**, and, it is further

ORDERED that the Clerk of this Court shall mark 07-cv-0501 as **CLOSED** for all purposes, including statistics.

Michael M. Bayson

MICHAEL M. BAYSON, U.S. District Judge